

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JAN 25 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 

DEPUTY CLERK

United States of America
v.
Donahue George CLOGSTON

Case No.

EP-23-M-210-RFC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 24, 2023 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

8 U.S.C. 1324(a)(1)(A)(ii) and (a)
(1)(B)(ii)

Offense Description

knowing and in reckless disregard of the fact that an alien has come to,
entered, and remained in the United States in violation of law, did transport,
move, and attempt to transport and move such alien within the United States
in furtherance of said violation of law.

This criminal complaint is based on these facts:

Charge 1: DEFENDANT Donahue George CLOGSTON.

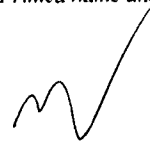
☒ Continued on the attached sheet.

Complainant's signature

Jason J. Ontiveros, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/25/2023Oath Telephonically Sworn
At 1:01 PM
Fed.R.Crim.P.4.1(b)(2)(A)
Judge's signature

City and state:

El Paso, Texas

Robert F. Castaneda, U.S. Magistrate Judge

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

Donahue George CLOGSTON

PEPT# PEPT230100186

01/25/2023

FACTS (CONTINUED)

On January 24, 2023, Border Patrol Agents (BPAs) assigned to the Ysleta Border Patrol Station were performing roving patrol duties on Pinon Road. Pinon Road is a commonly used route by alien and narcotics smugglers. This route has seen an increased level of smuggling activity and is being exploited by Transnational Criminal Organizations to circumvent the U.S. Border Patrol Ysleta Station Checkpoint located on HWY 62/180 in Desert Haven, Texas, in the Western District of Texas.

At approximately 1:00 AM, a BPA witnessed five vehicles driving northbound on Pinon Road which is not typical at that time of night. This was during a snowstorm with very limited visibility. The BPA in his marked Border Patrol Vehicle drove towards the vehicles, when four of the vehicles took evasive maneuvers and drove into the small community that is located on Pinon Road. The BPA observed as one of the vehicles a Nissan Altima continue northbound on Pinon Road. As the agent followed the Nissan Altima two individuals jumped out of the passenger side. Based on the BPAs observations he suspected a smuggling scheme and activated his emergency lights and sirens to perform a vehicle stop.

The Nissan Altima subsequently came to a stop on Pinon Road. The BPA approached the vehicle and identified himself to the driver of the Vehicle. The driver was identified as CLOGSTON, Donahue George herein after referred to as DEFENDANT. The DEFENDANT was then directed to exit the vehicle to which he complied and stated he was a United States Citizen. The DEFENDANT was taken into custody and was secured in a marked Border Patrol Vehicle. BPAs in the area responded to assist with the search of the two individuals that jumped out of the vehicle. After a search of the area, BPAs found a firearm in the ground near the area where the vehicle came to a stop. Other BPAs in the area followed footprints of the two individuals and found them attempting to conceal themselves in the brush approximately 300 yards from the vehicle. BPAs identified themselves to the individuals and questioned them as to their citizenship. Both individuals were determined to be citizens of Ecuador illegally present in the United States. The DEFENDANT and the two illegal aliens were placed under arrest and taken to the Ysleta Border Patrol Station for further processing.

At the station the DEFENDANT was advised of his Miranda Rights using government form I-214 the DEFENDANT signed, acknowledging that he understood his rights and was willing to answer questions without the presence of an attorney. The DEFENDANT made the following post Miranda statement non-verbatim, regarding his involvement in the alien smuggling scheme. The DEFENDANT admitted knowing the two individuals in his car were illegal aliens and that he was transporting them to Albuquerque, NM. The DEFENDANT stated that a smuggler told him to pick them up a week ago in Las Cruces, New Mexico. The DEFENDANT stated the two illegal aliens stayed with him in his trailer. The DEFENDANT admitted knowing it was against the law to transport and house illegal aliens. The DEFENDANT admitted to knowing Pinon Road circumvents the Border Patrol Checkpoint.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

Donahue George CLOGSTON

PEPT# PEPT230100186

01/25/2023

FACTS (CONTINUED)

Immigration History:

DEFENDANT is a U.S. Citizen

Criminal History:

05/16/1987, Laconia, NH, DWI/Disobeying Police Officer/Controlled Drug(M), CNV, Fined 500\$, 70 days confinement.

01/16/1988, North Haverhill, NH, Fail to repot/Escape(F), CNV, 12 months/3months suspended.

07/19/2002, Alamogordo, NM, Receiving or Transferring Stolen Vehicle(M), CNV, Unknown.

10/27/2008, Laconia, NH, Criminal Mischief/Threatning/Simple Assault(F), ACC, Unknown.

01/23/2012, DEA Manchester, NH, Dangerous Drugs, Manufacture Meth(F), ACC, Unknown.